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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,342	05/14/2001	Michael A. Caligiuri	35784/209112 (5784-50)	8842
826	7590	06/08/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			RAWLINGS, STEPHEN L	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

1642      20040607

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Commissioner for Patents

### Notice of Non-Compliant Amendment

The amendment filed on September 15, 2003 is considered non-compliant because it fails to meet the requirements of 37 CFR § 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment must be resubmitted (in its entirety), e.g., the entire “Amendments to the claims” section of applicant’s amendment must be resubmitted.** 37 CFR § 1.121(h).

The amendment is non-compliant because claims 25 and 31 of “Amendments to the Claims” section of the amendment fails to show each change relative to the immediate prior version of the claims, since the claims are not properly marked up to show deletion of “thereof”. Furthermore, claim 42 is marked up to show an insertion of a period at the end of the claim but without being marked up to show deletion of the period that punctuated the immediate prior version of the claim.

For further explanation of the amendment format required by 37 CFR § 1.121, see MPEP § 714 and the USPTO website at

<http://www.uspto.gov/web/offices/pac/dapp/olpa/preognocice/officeflyer.pdf>.

As the non-compliant amendment is reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is

(571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1642

slr  
June 7, 2004

*Phillip Gabel*  
PHILLIP GABEL, PH.D  
PRIMARY EXAMINER  
*Tech Center 1600*  
*6/7/04*